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FRY v. STOWERS.—Decided at Wytheville, July 25, 1895.—*Buchanan, J.*:

1. EVIDENCE—*Ancient boundaries—declarations—admissions.* Upon the question of ancient boundaries or corners, the declarations of deceased persons as to such boundaries or corners may be given in evidence, provided such persons had peculiar means of knowing the fact in question, and the declarations are not liable to the suspicion of bias from interest. Such are the declarations of the surveyor and chain carriers engaged on the original survey, the owner of the tract, or of an adjoining tract calling for the same boundaries, tenants, processioners and others possessed of accurate information of the fact. Admissions of a former owner are admissible in evidence, though he did not live on the land and perhaps never saw it. It is for the jury to determine the weight of the admissions under all the circumstances of the case.

2. EVIDENCE—*Declarations—admissions.* Declarations of a mere stranger to a controversy, having no interest in the matter, though made in the presence of a party, but not addressed to him, and to which no reply is required or made, cannot be given in evidence as an admission of such party.

NORFOLK & WESTERN RAILROAD CO. v. H. I. SHOTT.—Decided at Wytheville, August 1, 1895.—*Harrison, J.*:

1. RAILROADS—*Passengers—postal agent.* A mail agent, or postal clerk, traveling on a passenger train in the legitimate discharge of his official duties, is a passenger.

2. MOTION FOR CONTINUANCE—*Discretion—review.* A motion for a continuance is always addressed to the sound discretion of the trial court, and, though the action of the trial court is subject to the supervision of the appellate court, it will not be reversed unless *plainly erroneous*.

3. BILL OF EXCEPTIONS—*Requisites of—several points in one bill.* A general bill of exceptions certifying all the evidence in a case, and noting, at intervals, that objection was made to questions propounded, and the objection overruled by the court and exception taken, is not a sufficient exception to the ruling of the court on such questions. In order to have the benefit of an exception to the ruling of the trial court on a motion to reject or admit evidence, there must be a bill of exception signed by the judge, clearly and distinctly pointing out each erroneous ruling complained of, otherwise the objection will be regarded as abandoned. And, while there may be several exceptions saved by the same bill, yet each must set forth clearly and distinctly the ground of objection relied on, so that there may be no confusion amongst them.

4. VERDICT—*Excessive, or too small—when set aside.* The verdict of a jury will not be disturbed in cases where there is no legal measure of damages, unless it is so large or so small as to indicate that the jury has acted under the impulse of some improper motive, or some gross error, or misconception of the subject.

5. ARGUMENT OF COUNSEL—*Exceptions to—when to be taken.* Objections to the argument of counsel, made for the first time after the verdict of the jury, come too late to be availing, if the court can see that a proper verdict has been rendered.